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Letter dated 27 June 2012 from the Chargé d'affaires a.i. of the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Please find attached a copy of a letter addressed to former President Thabo Mbeki, Chairperson of the African Union High-level Implementation Panel, from Pagan Amum, the Chief Negotiator of the Republic of South Sudan (see annex).

The present letter addresses the decision by the Government of the Republic of South Sudan to accept the November 2011 map of the African Union High-level Implementation Panel for the sole purpose of establishing the safe demilitarized border zone, as a gesture of goodwill towards the negotiation process.

Kindly accept this submission as documentation for circulation to the Security Council.

(*Signed*) Francis **Nazario**
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex to the letter dated 27 June 2012 from the Chargé d'affaires a.i. of the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Establishing the safe border demilitarized zone

I take this opportunity to formally convey to you that the Republic of South Sudan unconditionally accepts the African Union High-level Implementation Panel November 2011 map for the sole purpose of establishing the safe demilitarized border zone, as requested in the African Union Peace and Security Council communiqué of 24 April 2012 and United Nations Security Council resolution 2046 (2012).

The Republic of South Sudan takes this decision even though it continues to have serious concerns as to whether the establishment of the safe demilitarized border zone based on the African Union High-level Implementation Panel November 2011 map will aid in fully achieving the objective of reducing the threat to peace and security between the two States, in particular:

(i) The safe demilitarized border zone based on the map surprisingly leaves significant portions of the disputed and claimed areas still under occupation of the Sudanese Armed Forces and militarized, including but not limited to the areas of Heglig and Kafia Kingi/Hofra el Nahas, all of which have seen heavy fighting in the past months;

(ii) The implementation of the map causes a significant shift of administrative control in Kafia Kingi/Hofra el Nahas and may expose the population to displacement;

(iii) The map places the majority of the disputed and claimed areas within the Sudan, thereby resulting in the Sudan exercising administrative control over those areas.

Indeed, as a result of the above concerns, grave consequences may arise in the form of a continued risk of hostilities as long as heavy weaponry remains within the disputed areas despite any successful demilitarization of the safe demilitarized border zone.

Furthermore, while the Republic of South Sudan has always understood that the map was only to be used for purposes of implementing the safe demilitarized border zone and does not prejudice the final status of the outstanding disputed and claimed areas, the Republic of South Sudan cannot ignore that placing the lion's share of the disputed and claimed areas under Sudanese administrative control may remove the incentive for the Sudan to seek a prompt resolution of the dispute over those areas, creating a de facto sovereignty based on such a status quo instead. For that reason, as long as an agreement to subject the status of the disputed and claimed areas to final and binding international arbitration is not in place in the event that the negotiations hosted by the High-level Implementation Panel fail to resolve all the disputed and claimed areas by 2 August 2012, the uncertainty along the border will likely produce renewed insecurity, which may persist indefinitely. The people who live along the border in the two States deserve a better existence than that.

In spite of those serious reservations, the Republic of South Sudan is taking a leap of faith in the interest of peace by agreeing to the request by the African Union

Peace and Security Council and the United Nations Security Council to utilize the map to establish the safe demilitarized border zone. The Republic of South Sudan is ready to implement the decision immediately and unconditionally upon reciprocal acceptance by the Sudan.

In the light of our expressed concerns, and because it is the responsibility of the Government of the Republic of South Sudan to protect its civilians from harm, please know that a select team within the Government of the Republic of South Sudan will monitor the implementation of the decision on an ongoing basis. At the instruction of President Salva Kiir Mayardit, the team will be examining whether the establishment of the safe demilitarized border zone based on the map is achieving the objectives outlined in the security agreements between the parties, the United Nations Security Council resolution and the African Union Peace and Security Council communiqué, and is also protecting the lives of South Sudanese citizens within and around the safe demilitarized border zone.

This has been a difficult decision for the Republic of South Sudan. I trust that the African Union High-level Implementation Panel and the rest of the international community will not take it lightly, but rather receive it with a renewed mandate to take all the steps within its capabilities to ensure that the present decision can be sustained and can help to produce a true and lasting peace.

With this in mind, the Republic of South Sudan calls upon the African Union High-level Implementation Panel, the African Union Peace and Security Council, the United Nations Security Council and the international community to actively assist in addressing the concerns of the Republic of South Sudan. This assistance can include the following:

1. **Ensure no prejudice in the settlement of disputed and claimed areas.** For instance, the High-level Implementation Panel and the international community can provide its unequivocal support for the call by the Republic of South Sudan for a time-bound arbitration for any unresolved border areas after 2 August 2012. To guarantee that the map is used only for the purpose of establishing the safe demilitarized border zone and the Joint Border Verification and Monitoring Mechanism, and not to establish a de facto border between the Republic of South Sudan and the Sudan, an agreement to refer all outstanding disputed and claimed areas after 2 August 2012 to final and binding international arbitration is a must.

On that particular matter, I take the opportunity to assure you that the Republic of South Sudan will continue under your auspices to negotiate in good faith to secure a prompt agreement on the disputed and claimed areas, but that it will not accept any extension of the negotiations beyond 2 August 2012, in order to avoid uncertainty and a potential resumption of conflict.

2. **Prevent adverse impacts on local communities.** The Republic of South Sudan believes that it will be important for the African Union High-level Implementation Panel and the international community to request the Office for the Coordination of Humanitarian Affairs and other humanitarian agencies to observe more closely, and make recommendations as necessary, if the shift from Republic of South Sudan administrative control to Sudanese administrative control in areas such as Kafia Kingi begins to produce adverse impacts on the protection of the human rights of the citizens of those areas. With the end of Republic of South Sudan administrative control, the civilians there will need the international community to

ensure that the Sudan responsibly takes over its governance roles, treating all citizens equally and fairly and in a manner that does not create another humanitarian crisis.

3. **Prevent a return to conflict**. In addition, while remaining steadfast in our decision, consistent with the express terms of the security agreements between the parties, and with a view to reducing threats to peace and security between the two States, the Republic of South Sudan delegation will continue to pursue further negotiations with the aim of agreeing to fully demilitarize all the disputed and claimed areas as well as establishing joint administrations in those areas. The Republic of South Sudan hopes that the African Union High-level Implementation Panel and the international community will support that effort.

The Republic of South Sudan is aware of the resource concerns of the international community related to the monitoring of such an expanded safe demilitarized zone. That said, if the Sudan and the Republic of South Sudan agree that a wider demilitarization of their border is in their best interest in order to achieve increased peace, friendly relations and eventually a resumption of trade, then the financial concerns of the international community should not hinder that consensual act for peace. In turn, the two States will understand the limitations of international monitoring that may follow from the reduced resources.

Lastly, with respect to contested areas such as Kafia Kingi/Hofra el Nahas, the areas north of the Kiir River in Northern Bahr el Gahzal, and Panthou (Heglig), all of which have already seen fighting and which will remain largely militarized and under the occupation of the Sudanese Armed Forces, the Republic of South Sudan expects that the African Union Peace and Security Council and the United Nations Security Council will take all necessary measures to ensure that those areas do not again become a launching ground for attacks on the territory of the Republic of South Sudan and its people.

The Republic of South Sudan is confident that its decision today to stand ready to immediately and unconditionally establish the safe demilitarized border zone as per the map can lead to progress and peace. This, however, requires a reciprocal commitment from the Sudan and the active engagement and assistance by the African Union High-level Implementation Panel, the United Nations, the African Union Peace and Security Council and the international community as a whole to secure this commitment and address and mitigate the continuing concerns of the Government of the Republic of South Sudan. Time is of the essence and good faith collaboration and contributions from all will be necessary.

(*Signed*) Pagan **Amum**
Chief Negotiator
The Republic of South Sudan